

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS P. BROWN, Plaintiff :
 :
VS. : NO.04-177 ERIE
 :
EDMOND CHEVROLET, INC., SHULTS :
SALES AND LEASING, INC., EDMOND :
R. SHULTS, JR., TIM M. SHULTS, :
Defendants :

JOINT MOTION TO
EXTEND DISCOVERY

AND NOW come the Plaintiff, DOUGLAS P. BROWN, by his attorneys, MacDonald Illig Jones & Britton, LLP, and Defendants, EDMOND CHEVROLET, ET AL, by their attorneys, Conner Riley & Fryling, and file this Motion to Extend Discovery, alleging as follows:

1. Plaintiff filed the Complaint in the above-captioned matter on June 23, 2004.
2. The Complaint alleges a cause of action under the securities laws of the United States and various state law causes of action arising out of Plaintiff's ownership of and sale of stock in Defendant, Shults Sales and Leasing, Inc.
3. The Defendants filed their Answer on or about August 20, 2004.
4. Pursuant to the September 20, 2004 Case Management Order, a copy of which is attached hereto as Exhibit "A", issued on September 20, 2004, discovery in this matter was scheduled to close on January 18, 2005.

5. Pursuant to the December 22, 2004 Amended Case Management Order, a copy of which is attached hereto as Exhibit "B", discovery was scheduled to close on April 18, 2004.

6. Since the Amended Case Management Order was issued, the parties have exchanged additional documents, but reached an impasse regarding use of a forensic document examiner with respect to the Release and Covenant Not to Compete purportedly signed by Plaintiff and his wife and other documents purportedly signed by Plaintiff with respect to operation of Defendant, Shults Sales and Leasing, Inc.

7. That impasse has now been resolved and the forensic document examination, made reference to in the previous Paragraph fo this Motion, was conducted in Harrisburg, Pennsylvania on June 8, 2005.

8. Defendants' counsel, prior to and since January 3, 2005, has been attempting to schedule the depositions of Plaintiff and his wife and obtain copies of Plaintiff's documents, including tax returns, K-1s and American Express records. Plaintiff has not yet provided Defendants' counsel with either dates when they or the Browns are willing to appear to have their depositions taken, nor have they provided the requested documents. However, these depositions have now been scheduled for Thursday, August 25, 2005. A copy of the Notice scheduling the depositions of the Browns with an FRCP 30(b)(5) Request is attached hereto as Exhibit "C".

9. The parties request modification of the Amended Case Management Order as follows:


- (a) Discovery shall conclude on October 7, 2005;
- (b) Any dispositive motions and accompanying briefs and appendix shall be filed on or prior to October 28, 2005;
- (c) Any responsive brief and appendix shall be filed on or prior to November 11, 2005;
- (d) Plaintiff's Pre-Trial Narrative Statement (or amendment) shall be filed on or prior to November 18, 2005; and
- (e) Defendants' Pre-Trial Narrative Statement shall be filed on or prior to December 16, 2005.

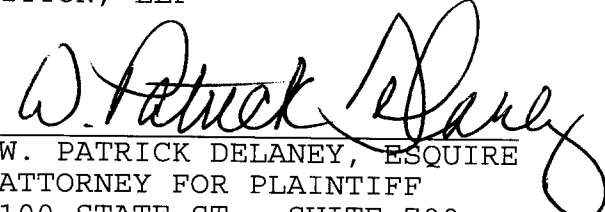
WHEREFORE, the parties request this Honorable Court to enter the attached suggested Order.

Respectfully submitted,

CONNER RILEY & FRYLING

MacDONALD, ILLIG, JONES &
BRITTON, LLP

BY 
ANDREW J. CONNER, ESQUIRE
ATTORNEY FOR DEFENDANTS
17 West Tenth Street
P.O. Box 860
Erie, PA 16512-0860
(814) 453-3343

BY 
W. PATRICK DELANEY, ESQUIRE
ATTORNEY FOR PLAINTIFF
100 STATE ST., SUITE 700
ERIE, PA 16507-1459
(814) 870-7600

DATED: July 12, 2005.